



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/742,520	11/01/96	UNGEBUSRI	63-11607

FMC CORPORATION
INTELLECTUAL PROPERTY LAW DEPT
1735 MARKET STREET
PHILADELPHIA PA 19103

CSM1/0317

EXAMINER
SHACKELFORD, H

ART UNIT 3501	PAPER NUMBER
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DATE MAILED: 03/17/97

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/742,520

Applicant(s)

UNGEHUSRI ET AL.

Examiner

H. SHACKELFORD

Group Art Unit

3501



☒ Responsive to communication(s) filed on Nov 1, 1996

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1, 3-5, and 12-20 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 13-17 is/are allowed.

☒ Claim(s) 1, 12, and 18-20 is/are rejected.

☒ Claim(s) 3-5 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on 6-15-94 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. In addition to the objection to the drawings of paper number 5, the drawings are also objected to because Figure 3 fails to comply with 37 CFR § 1.84(i), which states: "Modified forms of construction can only be shown in separate figures." Correction is required.

2. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

3. Claims 1, 19, and 20 are rejected under 35 U.S.C. § 103 as being unpatentable over Phillips or Ashton in view of Himes.

Ashton discloses a swivel joint having a flow passage having a hollow male connector, for example at 42b, with a plurality of outer annular arcuate grooves formed on the outer surface of the first end. They also show a hollow tubular female connector 48

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having an annular recess which receives the outer surface of the male member, a plurality of inner annular grooves, and a shoulder adjacent the seal 50 and the first end of the male member. A plurality of ball bearings 49 are received in each race to facilitate rotation of the male and female connectors. Phillips discloses similar structure at both ends of section 10.

However, the radius of the arcuate grooves greater than the radius of each adjacent groove closer to the first end of the male member and the female member having a corresponding inner grooves are not disclosed.

Himes teaches providing the ball bearings in a rotatable shaft coupling in a tapered configuration wherein the radius of the arcuate grooves are greater than the radius of each adjacent groove closer a first end of the assembly.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a tapered formation of the bearings as seen in Himes to the rotatable pipe couplings of Phillips or Ashton such that the radius of grooves of the male and female members are greater than each adjacent groove closer to the shoulder (of the female member) and the first end (of the male member) since Himes teaches that the tapered configuration prevents any possibility of seizing or binding, which may result from expansion due to high temperatures.

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4. Claims 12 and 18 are rejected under 35 U.S.C. § 103 as being unpatentable over Phillips or Ashton in view of Himes as applied to claims 1, 19 and 20 above, and further in view of Press or DT 1,907,428.

Phillips, Ashton and Himes are discussed above. However, the inner groove having a straight line segment at the apex is not specifically disclosed.

Press and DT '428 both teach of providing a straight line apex of the inner grooves in a swivel ball bearing joint assembly.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the straight line segment at the apex of the inner groove as seen in Press or DT '428 to the assembly of Phillips or Ashton in view of Himes since Press teaches that the straight line apex allows for limited axial translation between the male and female members to facilitate a fluid-tight sealed connection.

Re claim 18, to provide the straight line segment on the outer groove as opposed to the inner groove as seen in Press and DT '428 to the assembly of Phillips or Ashton in view of Himes would have been obvious to one of ordinary skill in the art since Press teaches that the straight line apex allows for limited axial translation between the male and female members to facilitate a fluid-tight sealed connection and since it has been

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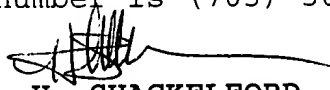
held that mere reversal of part is an obvious modification, In re Gazda, 104 USPQ 400. In the case of the present rejection, providing the straight line segment on the outer groove instead of on the inner groove as seen in Press and DT '428 would still allow for the limited axial translation between the male and female members for providing fluid-tight seal.

5. Claims 3-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 13-17 are allowable over the prior art of record.

7. Applicant's arguments with respect to claims 1, 19 and 20 have been considered but are deemed to be moot in view of the new grounds of rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to H. Shackelford whose telephone number is (703) 308-2978.


H. SHACKELFORD
PATENT EXAMINER
GROUP 3500

hcs
March 13, 1997